



Fairfax County Department of
Family Services

Understanding Proposed Changes to the Fairfax County Home Child Care Facilities Ordinance

O F C Office for Children
Community Education and Provider Services

Background



- The Office for Children and the Child Care Advisory Council conducted a comprehensive review of the Fairfax County Home Child Care Facilities Ordinance.
- Amendments to the ordinance were presented to the Board of Supervisors in February 2012.
- The Board of Supervisors requested that the Office for Children conduct additional outreach to the child care provider community.
- Beginning in April 2012, Office for Children staff held three community meetings and spoke with providers at trainings and during home visits about the proposed ordinance changes.

Background



- Chapter 30, Home Child Care Facilities Ordinance, Article 3 of the *County Code* regulates Home Child Care Facilities with five or fewer children.
- Is intended to protect the health and safety of children who receive care in family child care homes.
- Approved in 1989, 2001 was the last significant revision of the ordinance.
- Minor revisions – June 2010, the storage of firearms and June 2011, the medication administration and national background checks were approved by the Board of Supervisors.

Reason for Revision



- To reflect current health and safety regulations, practices and codes; best practices in the field; and updated state home child care regulations.
- To reorganize and reword the ordinance to make it clear to understand and follow.

Section 30-1-1: Barrier offenses



The list of offenses that bar an applicant from obtaining a County home child care permit have been updated to reflect changes in state law regarding barrier crimes.

Barrier crimes are those crimes that prevent a person from obtaining a family child care permit to care for children.

Proposed Change:

- Conviction of manslaughter
- Conviction of threatening death or bodily injury

Section 30-3-2-a: Annual Permit Application, Issuance or Denial



Proposed change - The provider and all adult household members will be required to have a tuberculosis screening every two years. Currently the provider is the only adult in the household required to have a TB screening every two years.

- Tuberculosis has increased in the United States in recent years.
- Proposed change is a recommendation from the Health Department.

Section 30-3-2-a: Annual Permit Application, Issuance or Denial



Proposed change - Provider must receive CPR training annually.

- **Update:** Effective January 2012, the American Red Cross changed its recommendation and issues two year certifications in first aid and CPR. Based on this new information, OFC will not propose requiring CPR training annually.

Section 30-3-2-a: Annual Permit Application, Issuance or Denial



Proposed change - Providers are required to have a written emergency evacuation plan.

- Recommended by the Fire Department and Office of Emergency Management for the safety and protection of children.

Section 30-3-4: Operator Qualifications



Proposed change - All providers, both new and renewing, will be required to complete 16 hours of training every year beginning January 2016. This will be phased in over a three year period:

- Beginning January 2014, everyone will need 12 hours of training.
- Beginning January 2015, everyone will need 14 hours of training.
- Beginning January 2016, everyone will need 16 hours of training.

Operator Qualifications cont'd



- Research tells us that ongoing professional development improves the quality of child care.
- OFC will continue to offer training at no cost.
- OFC is planning many ways to help providers to meet training hours such as offering:
 - additional six hour workshops
 - webinars
 - online training
 - DVDs
 - additional workshops in the community
 - partnerships with Northern Virginia Community College

Section 30-3-6 c: Physical Facilities, Equipment and Operations



New - Providers will be required to provide adequate space for each child to allow free movement and active play indoors and out.

- Adequate space is important to a child's growth and development. Child care specialists will help you make the best use of the space you have for activities, in a single-family home, townhouse or apartment.

Section 30-3-6 c: Physical Facilities, Equipment and Operations cont'd



Proposed change - Providers are already required to provide a crib for overnight care. The change in the ordinance will require providers to provide appropriate sleeping equipment for children birth through 12 months (ex. cribs, bassinets, cradles or pack 'n plays), during rest times as identified by the United States Consumer Product Safety Commission.

- Also applies to children over 12 months who are not developmentally ready to sleep on a cot or bed.
- This requirement will help protect children from injury or death.

New Section 30-3-4.1: Substitute Care Providers



When a provider must be away from the home child care facility, a substitute care provider may be used.

- Substitute care may not exceed 240 hours per calendar year.
- All substitutes must :
 - be 18 years or older
 - pass criminal background checks
 - receive a tuberculosis screening every two years
 - be certified in first aid and CPR

Section 30-3-6 g: Physical Facilities, Equipment and Operations, cont'd



New - When meals or snacks are provided to children, providers must follow the most recent age-appropriate nutrition guidelines recommended by the United States Department of Agriculture (USDA), Food and Nutrition Service.

- The 2010 Dietary Guidelines are the most recent recommendation.
- MyPlate will be the eating guide to meet the caloric and nutrient requirements for children.

New Section 30-3-6-q & r: Physical Facilities, Equipment and Operations, cont'd



The addition of rules for swimming and wading activities including:

- Written permission every year from the parent of each child who participates in swimming.
- Written statement from the parent advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.
- The provider should have a system to know exactly where all children are when in the water.

Section 30-3-6-q & r: Physical Facilities, Equipment and Operations, cont'd



- Outdoor swimming activities shall occur only in daylight hours.
- The provider and another adult 18 years or older shall be present and able to supervise the children when one or more are in water more than two feet deep in a pool, lake or other swimming area on or off the premises of the home child care facility.
- The provider or the other adult must be certified in basic water rescue, community water safety, water safety instruction or lifeguarding and must be on duty to supervise children at all times. The certification shall be obtained from a national organization such as the American Red Cross or YMCA.

Section 30-3-6-q & r: Physical Facilities, Equipment and Operations, cont'd



The addition of a drowning hazard safety policy:

- A non-climbable barrier at least four feet high or higher, such as, but not limited to, a fence or impenetrable hedge, shall surround outdoor play areas located within 30 feet of drowning hazards such as, but not limited to, in-ground swimming or wading pools, ponds, or fountains not enclosed by safety fences.

Section 30-3-6-q & r: Physical Facilities, Equipment and Operations, cont'd



- Access to the water in above-ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place out of reach of children.
- Hot tubs, spas, and whirlpools shall not be used by children in care, and shall be covered with safety covers while children are in care.

New Section 30-3-6.1: Home Child Care Facility Fire Safety Requirements



The Fire and Rescue Department has updated all fire safety items according to *Fairfax County Code* Chapter 62: Fire Protection Code. All fire safety items are now consolidated in this one section. **New** requirements in the proposed amendments include the following:

- A telephone landline will be required.
- Carbon monoxide alarms will be required.

Section 30-3-6.1: Home Child Care Facility Fire Safety Requirements, cont'd



- Stored machinery must not be within the reach of children in care.
- Any room used as a sleeping area must have two means of exit, as required by the Virginia Statewide Building Code.
- Inspections and cleaning will be required for fireplaces and wood stoves when indicated.



- For a copy of this presentation visit:
www.fairfaxcounty.gov/ofc.
- Updated proposed revisions to the Child Care Ordinance will be presented to the Board of Supervisors for consideration this fall.